

56-08-05

JUN 07 2005
U.S. PATENT & TRADEMARK OFFICE
REQUEST FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|--------------------|
| Application Number | 09/955,381 |
| Filing Date | September 18, 2001 |
| First Named Inventor | BERNASCONI ET AL. |
| Group Art unit | 1646 |
| Examiner Name | M.T. Brannock |
| Attorney Docket Number | 4-30868A |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0134
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$_____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|----------------------|---|--------------------------------------|-----------------|
| Name (Print/Type) | Edward J. Wilusz, Jr. | Registration No. (Attorney/Agent) | Reg. No. 52,370 |
| Signature |  | Date | June 7, 2005 |

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV485023304S

Express Mail Label Number

June 7, 2005

Date of Deposit



CASE 4-30868A

| | |
|---|--|
| FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 | |
| <i>EV4850833064S</i> Express Mail Label Number | <i>June 7, 2005</i> Date of Deposit |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CONFIRMATION NO.: 1717

BERNASCONI ET AL.

GROUP ART UNIT: 1646

APPLICATION NO: 09/955,381

EXAMINER: M.T. BRANNOCK

FILED: SEPTEMBER 18, 2001

FOR: NEW USE OF LIGANDS TO GABA_B RECEPTORS

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed December 9, 2004, having a shortened statutory period for response set to expire March 9, 2005, Applicants file a request for continued examination (RCE) under 37 C.F.R. § 1.114 and respectfully request the following amendment be entered and the claims considered in light thereof. Applicants also herein request a three month extension for this response as allowed under 37 C.F.R. § 1.136(a). This extension of time extends the time for response to June 9, 2005. The Examiner is authorized to charge Deposit Account No. 19-0134 in the name of Novartis Corporation for the fee required under 37 C.F.R. § 1.17(a).

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.